

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	ORDER GRANTING MOTION
)	TO AMEND JUDGMENT
vs.)	
)	Case No. 4:04-cr-026
Richard C. Wilkes,)	
)	
Defendant.)	

Before the Court is the Government's "Motion to Amend Criminal Judgment to Correct Allocation of Restitution to Victims" filed on July 6, 2009. See Docket No. 29. The Government moves the Court for an order amending the judgment (Docket No. 25) filed on November 23, 2004, to correct the amount of restitution allocated to the three individual payees.

In the judgment, the Court ordered the defendant, Richard C. Wilkes, to pay restitution in the amount of \$707,745.72. Wilkes was ordered to pay \$146,103.57 to Peter Willyard, \$146,103.58 to Natalie Willyard-Hardie, and \$146,103.57 to Stephen Willyard, for a total of \$438,310.72. The judgment provided that "Any sums paid shall be divided equally among the above named." See Docket No. 25. Wilkes also was ordered to pay restitution in the amount of \$269,078.00 to the Internal Revenue Service Center in Ogden, Utah, and a separate \$357.00 to Peter Willyard. Neither the restitution owed to the Internal Revenue Service Center nor the \$357.00 owed to Peter Willyard is subject to the amended judgment.

The Government now informs the Court that the restitution allocation to the three individual payees is incorrect. The Government indicates that the \$438,310.72 should be allocated as follows: \$219,155.36, or 50%, to Peter Willyard; \$109,577.68, or 25%, to Natalie Willyard-Hardie, and \$109,577.68, or 25%, to Stephen Willyard. Peter Willyard, Natalie Willyard-Hardie, and Stephen

Willyard have signed a stipulation which sets forth the proper restitution allocation. See Docket No. 29-2.

The Court **GRANTS** the Government's motion to amend the judgment (Docket No. 29) and **ORDERS** that the judgment (Docket No. 25) be amended as follows:

- 1) The amount of restitution owed to Peter Willyard is \$219,155.36
- 2) The amount of restitution owed to Natalie Willyard-Hardie is \$109,577.68
- 3) The amount of restitution owed to Stephen Willyard is \$109,577.68
- 4) Any amount of restitution paid to the above named payees shall be divided as follows: Peter Willyard shall receive 50%, Natalie Willyard-Hardie shall receive 25%, and Stephen Willyard shall receive 25%

IT IS SO ORDERED.

Dated this 10th day of July, 2009.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court